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Draft Surface Discharge Permits

I am a landowner and irrigator on the Purgatoire River. My ditch company (Tijeras Irrigation Ditch Company) is the last irrigation ditch before the Purgatoire River flows into Trinidad Lake. As a result, my ditch company would have the most surface discharged water as a component of total stream flow. My hayfields have been in production since at least 1856 and for the last 20 years or so have been irrigated with a blend of surface discharged water and regular snow melt. These hayfields are producing the same amount of hay as they were sixty years ago when I was learning to drive a tractor and help harvest hay for my father's horses and cattle. I have seen zero negative impact to hay production levels as a result of irrigating with a component of produced water. The negative impacts I do experience are completely a result of weather and drought conditions.

My understanding is that surface discharged water makes up to 8% of the average flow in the Purgatoire River. To show the importance of this 8%, if my irrigation season was 100 days in length, this additional water would add 8 days of additional irrigation. These 8 days add significantly to my hay production and of course the economy of my farming.

Pioneer Natural Resources and XTO Energy have hired Tetra Tech, Inc. to conduct soil sampling in the Spring and Fall of each year in my neighbor's and my hayfields. The initial soil samples indicate that pH, EC and SAR are all within acceptable ranges for soils within this region and are consistent with regional soil types published by NRCS. In addition Pioneer and XTO have voluntarily put in place a water monitoring system along the Purgatoire River and its tributaries. This system allows us irrigators and other water users the ability to monitor water quality at several points along the river.

It is important to note the several benefits that surface discharged water brings to our drought-stricken area. We have experienced drought conditions for more than a decade in Las Animas County and the counties in the Lower Arkansas River Basin. This water benefits the following:

- Increase in irrigation water
- Water for livestock
- Water for Wildlife
- Source of water for wildland fire control
- Economic benefits for Las Animas County and other counties downstream

It is my opinion that the draft permits should maintain the same standards as those that have been in place for the last fifteen years or so. I am concerned that the new

standards will force Pioneer and XTO to stop their surface discharge and eliminate a critical source of beneficial water. I find it ironic that there are thousands of individuals and hundreds of entities working on a state water plan to balance water supply and demand for the future, and we have a state entity potentially taking away a portion of the state's water supply. I recall at a hearing of the Water Quality Control Commission in June 2013 where I testified using basically the same facts in this letter, when I finished my testimony one of the commissioners brought up the point that their role should not always be to approve regulations that curtail water supply that provides a beneficial water supply. In that instance the Commission voted by a margin of eight to one not to follow the agency staff's recommendation of increasing standards which would reduce the surface discharge of produced water in our region.

I would ask the Water Quality Control Division to consider those of us in Southeast Colorado who value this water, which is unlike produced water in other parts of Colorado. This water in the Purgatoire and Apishapa valleys is unique and important to our livelihoods.

Thank you for your consideration.

James Vigil

Landowner and irrigator on the Purgatoire River

Former Las Animas County Commissioner

Current Commissioner Colorado Parks and Wildlife